APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,529	01/19/2000	David A. Wood	5181-38400	3267

7590   07/15/2003

B. NOEL KIVLIN
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

EXAMINER
HOANG, PHUONG N

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *19 January 2000* .

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1 - 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1 - 20* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *19 January 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *3* .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 1 – 20 are rejected under 35 U.S.C. 102(e) as being anticipated by

Chambers, US patent no. 5,884,052.

As to claim 1, Chambers teaches a computer system comprising:

a first device (initiator PCI agent, col. 5); and

a second device (target PCI agent, col. 5) coupled to the first device;

wherein the first device is configured to convey a first request (data

transaction, col. 5 lines15 – 20) to the second device, wherein the second device is

configured to receive the first request, wherein the second device is configured to detect

a temporarily unavailable condition (internal access latency, col. 5 lines 25 – 40),

wherein the second device is configured to convey a response (the target issued a retry,

col. 5) to the first device corresponding to the first request, and wherein the response

includes a delay value (delay input, col. 5 lines 45 – 55) corresponding to the

temporarily unavailable condition.

As to claim 2, Chamber teaches the first device is configured to receive the

Response (using the delay input, col. 5 lines 50 – 55), and wherein the first device is

configured to convey a second request (the initiator waits until the expiration of the

target's internal access latency and then accesses the target again, col. 5 lines 30 – 40) to the second device at a time corresponding to the delay value.

As to claim 3, Chamber teaches the computer system of claim 1, wherein the second device is configured to generate delay value (delay input, col. 5 lines 45 – 55) according to a type of the temporarily unavailable condition.

As to claim 4, Chamber teaches the computer system of claim 1, wherein the delay value corresponds to a first value in response to the temporarily unavailable condition (The known internal access latency period is characterized as a "delay input", col. 5 lines 45 – 55) corresponding to a first type of condition and wherein the delay value corresponds to a second value in response to the temporarily unavailable condition corresponding to a second type of condition.

As to claim 5, Chamber teaches the computer system of claim 1, wherein the second device is configured to calculate delay value using one or more variables (the variable retry strategy of the present invention can be characterized as "n, 2,2,2...", col. 6 lines 6 – 43) that correspond to one or more previous temporarily unavailable conditions.

As to claim 6, Chamber teaches the computer system of claim 1, wherein the delay value corresponds to an encoded value (n, col. 6 lines 6 – 43).

As to claim 7, Chamber teaches the computer system of claim 1, farther comprising:

a policy layer (smart retry state machine 502, col. 7 lines 6 – 50) coupled to the first device and second device, wherein the policy layer is configured to cause an error

recovery mechanism (smart retry state machine 502, col. 7 lines 6 – 50) to be initiated

in response to detecting that a retry limit corresponding to the first request is exceeded,

and wherein the error recovery mechanism is configured to perform an action according

to the response.

As to claim 8, see claim 1 accept for a communications medium. Further,

Chamber teaches a communications medium (PCI bus connector 403).

As to claim 9, Chamber teaches the computer system of claim 8, wherein the

communications medium comprises a switching network (LAN of fig. 1).

As to claim 10, Chamber teaches the computer system of claim 8, wherein the

communications medium comprises a shared bus (PCI bus, col. 6 – 8).

As to claim 11, Chamber teaches the computer system of claim 8, wherein the

communications medium comprises an arbitrated loop (the PCI agent attempts a

subsequent access.....arbitrates for and acquires owndership of the PCI bus, col. 8

lines 40 – 50).

As to claim 12, see claim 3 above.

As to claim 13, see claim 6 above.

As to claim 14, see claim 7 above.

As to claim 15, see claim 1 above.

As to claim 16, see claim 2 above.

As to claim 17, Chamber teaches the method of claim 15, further comprising:

initiating an error recovery mechanism (smart retry state machine 502, col. 7

lines 6 – 50) corresponding to the response in response to determining that a retry limit

corresponding to the first request has been exceeded.

As to claim 18, see claim 6 above.

As to claim 19, Chamber teaches the method of claim 15, wherein the

generating further comprises:

determining a type of the temporarily unavailable condition (determine the

internal access latency, col. 5 - 6); and

generating the delay value (delay input, col. 5 lines 45 – 55) according to the type

of the temporarily unavailable condition.

As to claim 20, see claim 5 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Phuong N. Hoang whose telephone number is (703)

605-4239. The examiner can normally be reached on Monday - Friday 9:00 am to 5:30

pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on (703)305-8498. The fax phone

numbers for the organization where this application or proceeding is assigned are

(703)746-7239 for regular communications and (703)746-7238 for After Final

communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703)746-

7140.

ph
July 14, 2003

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100